

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3, 6-24 and 30-33 are pending, with claims 1, 8, 23-24 and 30-33 amended by the present amendment. Claims 1, 8 and 23-24 are independent.

In the Official Action, claims 1-3, 6-24 and 30-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Maeda (U.S. Patent Pub. No. 2004/0104391).

Claims 1, 8, 23, 24 and 30-33 are amended to more clearly describe and distinctly claim Applicants' invention. Support for this amendment is found in Applicants' originally filed specification. No new matter is added.

Briefly recapitulating, amended independent claims 1, 8, 23 and 24 are directed to a phosphor having the chemical formula: $\text{Sr}_{4-x}\text{Mg}_y\text{Ba}_z\text{Si}_2\text{O}_8:\text{Eu}^{2+}_x$ ($0 < x < 1$, $0 < y \leq 1$, $0 \leq z \leq 1$).

Maeda describes a phosphor, but does not describe a phosphor having the chemical formula: $\text{Sr}_{4-x}\text{Mg}_y\text{Ba}_z\text{Si}_2\text{O}_8:\text{Eu}^{2+}_x$ ($0 < x < 1$, $0 < y \leq 1$, $0 \leq z \leq 1$) (i.e., having manganese). That is, while

paragraph [0243] describes manganese, this manganese is not present in the phosphor of cited paragraph [0450].

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Maeda does not disclose or suggest all of the features recited in claims 1, 8, 23 and 24, Maeda does not anticipate the invention recited in claims 1, 8, 23 and 24, and all claims depending therefrom. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to

Application No. 10/578,140
Amendment dated May 6, 2009
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Docket No.: 3449-0620PUS1

conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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